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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,886	07/24/2001	Takumi Okaue	SONYJP 3.0-192	3756
530 7590 04/04/2005 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER CHEN, SHIN HON	
			ART UNIT 2131	PAPER NUMBER

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,886

Applicant(s)

OKAUE, TAKUMI

Examiner

Shin-Hon Chen

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2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/17/03, 1/24/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-36 have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Subject matters omitted in claims are critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The subject matters required to carry out the functions were not disclosed.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6, 14, 24, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 5-11, 13-18, 19-21, 23-29, and 31-36 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Marshall et al. U.S. Pat. No. 4933969 (hereinafter Marshall).

9. As per claim 19, 27, and 36, Marshall discloses a data processing apparatus comprising: a memory device; and a device for (a) initially generating a verifying value for verifying an individual contents data to be stored in the memory device (Marshall: column 1 line 66 – column 2 line 5), (b) storing the verified value in the memory device in correspondence with the contents data (Marshall: column 2 lines 25-30), and (c) checking to probe actual occurrence or absence of the act of tampering with said contents data by referring to said verifying value (Marshall: column 2 lines 48-54); wherein said verifying value is independently generated and stored in said memory device in association with a category of the contents data (Marshall: column 2 lines 30-47).

10. As per claim 20 and 28, Marshall discloses the data processing apparatus of claims 19 and 27 respectively. Marshall further discloses wherein the device computes the verifying value based on data from the individual contents data (Marshall: column 2 lines 25- 47) and then compares the computed verifying value to a previously stored verifying value, and finally utilizes

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the individual contents data solely in the case in which both values are identified to be coincident with each other (Marshall: column 2 lines 25-60).

11. As per claim 21 and 29, Marshall discloses the data processing apparatus of claims 19 and 27 respectively. Marshall further discloses wherein the memory device stores contents data of a variety of categories corresponding to a plurality of directories (Marshall: column 2 lines 6-30); and wherein the verifying value is generated to deal with an assemblage of contents data individually corresponding to the plurality of directories (Marshall: column 2 lines 25-47).

12. As per claim 23 and 31, Marshall discloses the data processing apparatus of claims 19 and 27 respectively. Marshall further discloses wherein a plurality of verifying values are independently generated and stored in the memory device in association with respective categories of contents data (Marshall: column 2 lines 25-47).

13. As per claim 24 and 32, Marshall discloses the data processing apparatus of claims 19 and 27 respectively. Marshall further discloses wherein a plurality of categories of contents data are individually preset based on a controlling entity of an enabling key block which enciphers a contents key functioning as a contents enciphering key and then delivers said contents key to the device (Marshall: column 3 lines 9-35); and wherein a plurality of verifying values are independently generated and stored in the memory device in association with each of the plurality of categories of contents data (Marshall: column 2 lines 25-47).

14. As per claim 25 and 33, Marshall discloses the data processing apparatus of claims 19 and 27 respectively. Marshall further discloses wherein the verifying value is individually generated based on a message authentication code, which is generated by applying a Data

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Encryption Standard to a partial data message comprising data to be subject to verification via said verifying value (Marshall: column 1 lines 33-37: use DES to generate MAC).

15. As per claim 26, Marshall discloses a data processing apparatus comprising: a memory device for storing contents data; and a device for (a) generating and storing message authentication codes functioning themselves as the data for probing an act of tampering with the stored contents data (Marshall: column 1 line 66 – column 2 line 5), (b) generating a plurality of message authentication codes from different data domains, wherein part of the data domains used for generating said message authentication codes therein comprise common data (Marshall: column 2 lines 25-47; column 3 lines 15-27); and (c) renewing the common data whenever renewing any of the plural message authentication codes for use in renewing other message authentication codes (Marshall: column 2 line 61 – column 3 line 8).

16. As per claim 34, Marshall discloses a method of claim 27 further comprising the steps of: generating a plurality of message authentication codes from different data domains (Marshall: column 2 lines 25-47; column 3 lines 15-27), wherein part of the data domains used for generating said message authentication codes therein comprise common data (Marshall: column 2 lines 25-47; column 3 lines 15-27); and renewing the common data whenever renewing any of the plural message authentication codes for use in renewing other message authentication code (Marshall: column 2 line 61 – column 3 line 8).

17. As per claim 1-3, 5-11, 13-18, claims 1-3, 5-11, 13-18 encompass the same scope as claims 19-21, 23-29, and 31-36. Therefore, claims 1-3, 5-11, 13-18 are rejected based on reasons set forth in claims 19-21, 23-29, and 31-36.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 4, 12, 22, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall in view of Campardo et al. European Pat. Pub. No. EP 0926601 (hereinafter Campardo).

20. As per claim 22 and 30, Marshall discloses the data processing apparatus of claims 19 and 27 respectively. Marshall does not explicitly disclose wherein the memory device comprises a flash memory; and the verifying value associated with the category is stored in a domain preset as a utilization inhibited block in said flash memory. However, Campardo discloses semiconductor memory capable of storing protection code into protected memory portion (Campardo: abstract and [0022], [0034], and [0035]). It would have been obvious to one having ordinary skill in the art to store verifying value into a protected memory region of a memory device because verifying value is supposed to be protected. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Campardo within the system of Marshall because it prevents verifying value/protection code from tampering.

21. As per claim 4 and 12, claims 4 and 12 encompass the same scope as claims 22 and 30. Therefore, claims 4 and 12 are rejected based on the reasons set forth in claims 22 and 30.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hirota et al. U.S. Pat. No. 6606707 discloses semiconductor memory card containing authentication area and non-authentication area.

Odinak et al. U.S. Pat. No. 6690289 discloses authenticating messages by using a message authentication code in each message.

Miyatake et al. European Pat. No. EP 0992954 discloses method for detecting invalid electronic storage media and card system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shin-Hon Chen

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